United Nations S/AC.37/2003/(1455)/27

Security Council

Distr.: General
22 April 2003

Original: English

Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 17 April 2003 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Austria to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to convey the information requested in paragraph 6 of Security Council resolution 1455 (2003) of 17 January 2003.

03-35101 (E) 040603

Annex to the note verbale dated 17 April 2003 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

Report of Austria to the Security Council Committee established pursuant to resolution 1267 (1999) in accordance with paragraph 6 of Security Council resolution 1455 (2003) of 17 January 2003

United Nations Security Council Resolution 1455 (2003) calls upon all States to report to the Security Council Committee established pursuant to resolution 1267 (1999) hereinafter referred to as "the Committee" within 90 days from the date of adoption of this resolution on the steps they have taken to implement the measures required by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002).

The present report is set out according to the guidelines prepared by the Committee on 4 March 2003 and includes answers to those questions where information is available or its submission would not compromise investigations or enforcement actions. Information already provided, however, have not been repeated.

Description of activities by Usama Bin Laden, Al-Qaida, the Taliban and their associates in Austria, the threat they pose to the country and the region, as well as likely trends

There is no evidence of activities by Usama Bin Laden, Al-Qiada, the Taliban and their associates in Austria nor does there exist an immediate threat. Only one still pending criminal proceeding raised suspicion about a possible connection to Al-Qaida.

How is the 1267 Committee's List incorporated within the Austrian legal system and administrative structure

A comprehensive answer has been given in Austria's first report to the Committee. In addition and as regards the prevention of entry into or the transit through Austria, all persons listed are included in a national list. Beside the Schengen Information System (SIS) all persons of whom the necessary data (first and family name as well as date and place of birth) are known have been included in the national EKIS-system (electronic information system on criminal investigation). Information about persons where basic data are not available (in particular the date and place of birth) are kept with the competent authorities, Staatsschutzbehörden (state security authorities).

Problems with the implementation with regard to the names and identifying information as currently included in the List

In those cases where only incomplete data are available (in particular not all relevant first and family names and not the date and place of birth) it is technically difficult to clearly identify the person.

National legislation to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside Austria, and to prevent individuals from participating in Al-Qaida training camps established in Austria or in another country

In its third report to the Counter-Terrorism Committee (CTC) established under Article 6 of United Nations Security Council Resolution 1373 (2001), Austria submitted the following under point 1.7.:

Section 278b of the Austrian Penal Code criminalizes the leading of and the participation in a terrorist group. For the purpose of further defining the meaning of "participation" Section 278b para. 3 refers to Section 278 para. 3 of the Penal Code which stipulates that anybody who inter alia supports a (criminal) group by providing information or assets or in any other way with the awareness that he/she thereby promotes the group or its criminal acts participates as member in the group. As has been pointed out explicitly in the explanatory memorandum to the government bill that introduced this concept, "recruiting" is an example for such a support "in another way".

Financial and Economic Assets Freeze

In Austria's first report to the Committee the legal basis, i.e. EC Council Regulation No 881/2002 of 27 May 2002, has been annexed. This regulation has been amended fifteen times and obliges in article 5 natural and legal persons, entities and bodies to cooperate and to provide relevant information about all funds and economic resources belonging to, or owned or held by, a natural or legal person, group or entity designated by the Committee.

In addition to the provisions in the EC regulation, the Oesterreichische Nationalbank stays in regular contact with all banks as well as other financial institutions in Austria and requires them to report whether or not funds have been frozen. Up to now only one account with an approximate amount of 4.000 US $ has been frozen.

Travel Ban

As stated above all names have been included in either the Schengen Information System (SIS), the national EKIS-system or are kept with the competent authorities, the Staatsschutzbehörden, depending on the level of detail of the data available. All border checkpoints as well as consular offices have access to the national EKIS-system which is updated on a day-to-day basis. Up to now, however, no one of the listed individuals has been stopped.

Arms Embargo

A comprehensive answer to this issue has been given in Austria's first report to the Committee.